S.B. CIVIL WRIT PETITION NO.3257/2005
M/s. National Construction Co. vs. State of Raj. & Ors.

Date : 1.6.2005

HON'BLE MR. PRAKASH TATIA, J.

Dr. Pratishtha Dave, for the petitioner.

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Heard learned counsel for the petitioner.

According to learned counsel for the petitioner, for a contract which ended in the year 1989, a recovery notice was issued by the Mining Engineer (Recovery) on 2.6.1989 against the petitioner raising a demand of more than Rs.3 lakhs and thereafter issued another notice (Annex.3) on 29.6.1989 for recovery of dues including 12 times penalty. The total amount has been shown is more than 91 lakhs.

According to learned counsel for the petitioner, now the respondents have issued a recovery notice in the year 2001 (Annex.8) again.

According to learned counsel for the petitioner, the recovery is illegal as nothing was due in the petitioner and it submitted a detail representation dated 31.7.1989 before the Mining Engineer, Chittorgarh, copy of which is placed on record as Annex.6.

I have considered the submissions of learned counsel for the petitioner and perused the documents.

It appears from the above facts itself that the recovery proceedings against the petitioner is pending

since 1989. The petitioner had full knowledge of all these proceedings and after submitting representation, the petitioner did not care to challenge the recovery proceedings for such a long period and now wants to raise disputed questions of facts about its liability for which he never raised any objection after 1989.

In view of the above only, this writ petition is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya